



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,246	09/28/2001	William M. Houston	END920010068US1	5159

5409 7590 04/09/2004

ARLEN L. OLSEN
SCHMEISER, OLSEN & WATTS
3 LEAR JET LANE
SUITE 201
LATHAM, NY 12110

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
----------	--------------

2171

5

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,246

Applicant(s)

HOUSTON ET AL.

Examiner

Etienne P LeRoux

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-16 and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,819,251 issued to Kremer et al (hereafter Kremer '251) in view of US Pat No 6,615,223 issued to Shih et al (hereafter Shih).

Claim 1:

- creating the template [data dictionary 130, Fig 3, col 8, lines 53-60 and col 9, lines 1-7] based on design information, said creating the template implemented by a template manager [RDMS 18, Fig 2];
- storing the template in a template manager database, said storing the template implemented by the template manager [col 8, lines 53-60];

Kremer '251 discloses the elements of claim 1 as noted above.

Kremer '251 fails to disclose:

- generating the N instances based on the template and on control information for the N instances, said control information including configuration control information, said configuration control information identifying N locations corresponding to the N instances, said N at least 2, said generating the N instances implemented by the template manager;

Art Unit: 2171

- storing the N instances in the template manager database, said storing the N instances implemented by the template manager; and
- transmitting the N instances to the corresponding N locations, said transmitting the N instances implemented by the template manager.

Shih discloses the following:

- generating the N instances based on the template and on control information for the N instances, said control information including configuration control information, said configuration control information identifying N locations corresponding to the N instances, said N at least 2, said generating the N instances implemented by the template manager;
- storing the N instances in the template manager database, said storing the N instances implemented by the template manager; and
- transmitting the N instances to the corresponding N locations, said transmitting the N instances implemented by the template manager [Fig 1 and col 4, lines 38-60].

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above as taught by Shih for the purpose of replicating the database at a plurality of sites.

Claim 2:

Kremer '251 discloses said control information further including administrative information [col 1, lines 40-47].

Claim 3:

Kremer '251 discloses said administrative information being location dependent [col 1, lines 40-47].

Claim 4:

Kremer '251 discloses said administrative information being location independent [col 1, lines 40-47].

Claim 6:

Kremer '251 discloses obtaining the design information, said obtaining implemented by an agent; and transmitting the design information to the template manager, said transmitting the design information implemented by the agent [col 7, lines 1-14]

Claim 7:

Kremer '251 discloses the elements of claim 1 as noted above.

Kremer '251 fails to disclose obtaining a portion of the control information, said obtaining implemented by an agent; and transmitting the portion of the control information to the template manager, said transmitting the portion of control information implemented by the agent.

However, Kremer '251 discloses obtaining the control information, said obtaining implemented by an agent; and transmitting the portion of the control information to the template manager, said transmitting the portion of control information implemented by the agent [col 7, lines 1-14].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kremer '251 to include obtaining a portion of the control information, said obtaining implemented by an agent; and transmitting the portion of the control information to the template manager, said transmitting the portion of control information implemented by the agent.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above for the purpose of testing certain features of the design.

Art Unit: 2171

Claim 8:

Kremer '251 discloses the elements of claim 1 as noted above.

Kremer '251 fails to disclose transmitting the N instances comprising transmitting the N instances to the corresponding N locations over telephone lines or cable lines.

Official Notice is taken that transmitting the N instances comprising transmitting the N instances to the corresponding N locations over telephone lines or cable lines is well-known and expected in the art.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 to include the elements as noted above for the purpose of using an everyday means of communication.

Claim 9:

Kremer '251 discloses the elements of claim 1 as noted above.

Kremer '251 fails to disclose further comprising: refreshing the template based on update design information, said refreshing the template implemented by the template manager; refreshing the N instances based on the refreshed template, said refreshing the N instances implemented by the template manager; and transmitting the N refreshed instances to the corresponding N locations, said transmitting the N refreshed instances implemented by the template manager.

Shih discloses the following:

refreshing the template based on update design information, said refreshing the template implemented by the template manager; refreshing the N instances based on the refreshed template, said refreshing the N instances implemented by the template manager; and transmitting

Art Unit: 2171

the N refreshed instances to the corresponding N locations, said transmitting the N refreshed instances implemented by the template manager.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above as taught by Shih for the purpose of updating the template according to the evolution of the design.

Claim 10:

Kremer '251 discloses further comprising providing the update design information to the template manager, said providing the update design information implemented by an agent [col 7, lines 1-14].

Claim 11:

Kremer '251 discloses the elements of claim 1 as noted above.

Kremer '251 fails to disclose refreshing M instances of the N instances based on update control information, said $M \leq N$, said refreshing the M instances implemented by the template manager; and transmitting the M refreshed instances to the corresponding M locations, said transmitting the M instances implemented by the template manager.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kremer '251 to include refreshing M instances of the N instances based on update control information, said $M \leq N$, said refreshing the M instances implemented by the template manager; and transmitting the M refreshed instances to the corresponding M locations, said transmitting the M instances implemented by the template manager.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above for the purpose of confining updates to those clients who requested the updates.

Art Unit: 2171

Claim 12:

Kremer '251 discloses further comprising providing the update design information to the template manager, said providing the update design information implemented by an agent [col 7, lines 1-14].

Claim 13:

- creating the template [data dictionary 130, Fig 3, col 8, lines 53-60 and col 9, lines 1-7] based on design information, said creating the template implemented by a template manager [RDMS 18, Fig 2];
- storing the template in a template manager database, said storing the template implemented by the template manager [col 8, lines 53-60];

Kremer '251 discloses the elements of claim 1 as noted above.

Kremer '251 fails to disclose:

- generating the N instances based on the template and on control information for the N instances, said control information including configuration control information, said configuration control information identifying N locations corresponding to the N instances, said N at least 2, said generating the N instances implemented by the template manager;
- storing the N instances in the template manager database, said storing the N instances implemented by the template manager; and
- transmitting the N instances to the corresponding N locations, said transmitting the N instances implemented by the template manager.

- generating the N instances based on the template and on control information for the N instances, said control information including configuration control information, said configuration control information identifying N locations corresponding to the N instances, said N at least 2, said generating the N instances implemented by the template manager;
- storing the N instances in the template manager database, said storing the N instances implemented by the template manager; and
- transmitting the N instances to the corresponding N locations, said transmitting the N instances implemented by the template manager.

Shih discloses the following:

- generating the N instances based on the template and on control information for the N instances, said control information including configuration control information, said configuration control information identifying N locations corresponding to the N instances, said N at least 2, said generating the N instances implemented by the template manager;
- storing the N instances in the template manager database, said storing the N instances implemented by the template manager; and
- transmitting the N instances to the corresponding N locations, said transmitting the N instances implemented by the template manager [Fig 1 and col 4, lines 38-60].

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above as taught by Shih for the purpose of replicating the database at a plurality of sites.

Claim 14:

Art Unit: 2171

Kremer '251 discloses said control information further including administrative information [col 1, lines 40-47].

Claim 15:

Kremer '251 discloses said administrative information being location dependent [col 1, lines 40-47].

Claim 16:

Kremer '251 discloses said administrative information being location independent [col 1, lines 40-47].

Claim 18:

Kremer '251 discloses obtaining the design information, said obtaining implemented by an agent; and transmitting the design information to the template manager, said transmitting the design information implemented by the agent [col 7, lines 1-14]

Claim 19:

Kremer '251 discloses the elements of claim 13 as noted above.

Kremer '251 fails to disclose obtaining a portion of the control information, said obtaining implemented by an agent; and transmitting the portion of the control information to the template manager, said transmitting the portion of control information implemented by the agent.

However, Kremer '251 discloses obtaining the control information, said obtaining implemented by an agent; and transmitting the portion of the control information to the template manager, said transmitting the portion of control information implemented by the agent [col 7, lines 1-14].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kremer '251 to include obtaining a portion of the control information, said obtaining implemented by an agent; and transmitting the portion of the control information to the template manager, said transmitting the portion of control information implemented by the agent.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above for the purpose of testing certain features of the design.

Claim 20:

Kremer '251 discloses the elements of claim 13 as noted above.

Kremer '251 fails to disclose transmitting the N instances comprising transmitting the N instances to the corresponding N locations over telephone lines or cable lines.

Official Notice is taken that transmitting the N instances comprising transmitting the N instances to the corresponding N locations over telephone lines or cable lines is well-known and expected in the art.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 to include the elements as noted above for the purpose of using an everyday means of communication.

Claim 21:

Kremer '251 discloses the elements of claim 13 as noted above.

Kremer '251 fails to disclose said template manager further adapted to refresh the template based on update design information refresh the N instances based on the refreshed template; and transmit the N refreshed instances to the corresponding N locations.

Official Notice is taken that the following is well-known and expected in the art:

Art Unit: 2171

said template manager further adapted to refresh the template based on update design information refresh the N instances based on the refreshed template; and transmit the N refreshed instances to the corresponding N locations.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above for the purpose of updating the template according to the evolution of the design and transmitting same to a user who requests the updated design.

Claim 22:

Kremer '251 discloses further comprising providing an agent, said agent adapted to provide the update design information to the template manager [col 7, lines 1-14].

Claim 23:

Kremer '251 discloses the elements of claim 13 as noted above.

Kremer '251 fails to disclose said template manager further adapted to: refresh M instances of the N instances based on update control information, said $M \leq N$, and transmit the M refreshed instances to the corresponding M locations.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kremer '251 to include said template manager further adapted to: refresh M instances of the N instances based on update control information, said $M \leq N$, and transmit the M refreshed instances to the corresponding M locations.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above for the purpose of confining updates to those clients who requested the updates.

Claim 24:

Kremer '251 discloses providing an agent, said agent adapted to provide the update control information to the template manager [col 7, lines 1-14].

Claim 25:

Kremer '251 discloses a computer usable medium having a computer readable code embodied therein, said computer readable code including a template manager adapted to: create a template based on design information [data dictionary 130, Fig 3, col 8, lines 53-60 and col 9, lines 1-7]; store the template in a template manager database [col 8, lines 53-60];

Kremer '251 fails to disclose generate N database instances based on the template and on control information for the N instances, said control information including configuration control information, said configuration control information identifying N locations corresponding to the N instances, said N at least 2; store the N instances in the template manager database; and transmit the N instances to the corresponding N locations.

Shih discloses generate N database instances based on the template and on control information for the N instances, said control information including configuration control information, said configuration control information identifying N locations corresponding to the N instances, said N at least 2; store the N instances in the template manager database; and transmit the N instances to the corresponding N locations

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above as taught by Shih for the purpose of making available the RDMS at a plurality of client sited for the particular use of the client.

Art Unit: 2171

Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kremer '251 and Shih and further in view of Pub No US 2003/0200197 issued to Long et al (hereafter Long '197).

Claim 5:

The combination of Kremer '251 and Shih discloses the elements of claim 1 as noted above.

The combination of Kremer '251 and Shih fails to disclose said control information comprising access control information, said access control information identifying at least one access control group for each instance of the N instances.

Long '197 discloses said control information comprising access control information, said access control information identifying at least one access control group for each instance of the N instances.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Kremer '251 and Shih to include said control information comprising access control information, said access control information identifying at least one access control group for each instance of the N instances as taught by Long '197.

The ordinarily skilled artisan would have been motivated to modify the combination of Kremer '251 and Shih per the above for the purpose of making services available to authorized users.

Claim 17:

The combination of Kremer '251 and Shih discloses the elements of claim 13 as noted above.

The combination of Kremer '251 and Shih fails to disclose said control information comprising access control information, said access control information identifying at least one access control group for each instance of the N instances, wherein if a plurality of access control groups are associated with a given instance then each such access control group of the plurality of access control groups has an independent level of access control relating to the given instance.

Long '197 discloses said control information comprising access control information, said access control information identifying at least one access control group for each instance of the N instances.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Kremer '251 and Shih to include said control information comprising access control information, said access control information identifying at least one access control group for each instance of the N instances, wherein if a plurality of access control groups are associated with a given instance then each such access control group of the plurality of access control groups has an independent level of access control relating to the given instance.

The ordinarily skilled artisan would have been motivated to modify the combination of Kremer '251 and Shih per the above for the purpose of making services available to authorized users.

Response to Arguments

Applicant's arguments filed 2/13/2004 have been fully considered but they are not persuasive.

First Applicant Argument:

Applicant states in the third paragraph on page 11 "As a first example illustrating that Kremer '251 does not teach or suggest each and every feature of claims 1, 13 and 25, Kremer '251 does not teach or suggest the following feature of claim 1 (and similarly for claims 13 and 25):"creating the template based on design information, said creating the template implemented by a template manger." The examiner argues that Kremer '251 discloses 'creating the template [data dictionary 130, Fig 3, col 8, lines 53-60 and col 9, lines 1-7] based on design information, said creating the template implemented by a template manager [RDMS 18, Fig 2].' In other words, the examiner argues that the data dictionary 130 is a template that is created by the template manager of RDMS 18. In response, applicants contend that Kremer does not disclose that the RDMS 18 creates the data dictionary 130. In fact, Kremer discloses on the existence of the data dictionary 130. Kremer is totally silent as to who creates the data dictionary, and Kremer is totally silent as to how the dictionary is created."

First Examiner Response:

Examiner is not persuaded. Examiner refers to Figure 1 which provides a definition of terms included in instant invention. In particular, template manager is defined as a "computer program that manages templates and associated instances." Examiner maintains that per the above definition provided by applicant in Figure 1, RDMS does in fact manage templates and associated instances." Furthermore, in response to applicant's argument that the references fail to

Art Unit: 2171

show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Kremer is totally silent as to who creates the data dictionary, and Kremer is totally silent as to how the dictionary is created) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second Applicant Argument:

Applicant states in the fifth paragraph on page 12 "As a second example illustrating that Kremer '251 does not teach or suggest each and every feature of claims 1, 13 and 25, Kremer '251 does not teach or suggest the following features of claim 1 (and similarly for claims 13 and 25): "generating the N instances based on the template and on control information for the N instances, said control information including configuration control information, said configuration control information identifying N locations corresponding to the N instances, said N at least 2, said generating the N instances implemented by the template manager, storing the N instances in the template manger database, said storing the N instances implemented by the template manager, said transmitting the N instances to the corresponding N locations, said transmitting the N instances implemented by the template manager."

Second Examiner Response:

Examiner is not persuaded. Kremer discloses in column 4 lines 29-46 the following: An article of manufacture is also provided according to the present invention. The article of manufacture includes a computer readable medium having computer readable program means embodied therein for obtaining data in a database containing relational and non-relational data. **The computer readable code means in the article of manufacture comprises computer readable program code means for causing the computer to read a query statement having a relational portion and non-relational portion.** Computer readable program code means for causing the computer to parse the query into a relational portion and non-relational portion is then provided. Computer readable program means also causes the computer to obtain relational data from the database

Art Unit: 2171

responsive to the relational portion. Computer readable program code means then causes the computer to obtain a pointer to the non-relational data and responds to the non-relational portion by displaying the relational data and the non-relational data.

Examiner maintains above disclosure, and in particular the bolded text reads on supra claim limitation.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

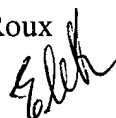
Art Unit: 2171

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux

4/2/2004



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100